

Message Text

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DRAFTED BY L:SMSCHWEBEL:MRP
APPROVED BY L - STEPHEN M. SCHWEBEL
IO/UNP - GHELMAN(PARA. 7)
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TO USMISSION USUN NEW YORK

C O N F I D E N T I A L STATE 032630

LIMDIS

E.O. 11652:GDS

TAGS: UN, PFOR

SUBJECT:INTERNATIONAL LAW COMMISSION: CASUAL ELECTIONS

REF: USUN 392

1. APPRECIATE REFTEL. AS MISOFF POINTED OUT, ELECTION OF HAMBRO'S SUCCESSOR IS A MATTER FOR JUDGMENT OF INDEPENDENT EXPERTS WHO ARE MEMBERS OF THE COMMISSION, NOT A MATTER FOR GOVERNMENTAL INSTRUCTION. SCHWEBEL IS IN FULL AGREEMENT WITH POINTS MADE TO SUY BY MISOFF.

2. SCHWEBEL DOES NOT THINK IT WOULD BE APPROPRIATE TO MAKE ANY COMMITMENT THAT WOULD GIVE IMPRESSION USG IS DETERMINING HIS COURSE OF ACTION. HE BELIEVES DECISION CAN BE REACHED ONLY WHEN IT IS KNOWN (A) WHETHER SCANDINAVIANS WILL WISH TO PRESENT A PROPOSED SUCCESSOR TO HAMBRO, (B) WHAT THE FULL RANGE OF CANDIDATES MAY
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BE, ASIAN AND OTHERWISE AND (C) WITH THE BENEFIT OF PERSONAL CONSULTATION WITH OTHER ILC MEMBERS.

3. HIS CURRENT DISPOSITION IS TO BELIEVE THAT IT WOULD BE DESIRABLE TO ELECT AN ASIAN AND RESTORE THE BALANCE

CONTEMPLATED BY THE GENTLEMAN'S AGREEMENT PROVIDED

THAT, IN SOME APPROPRIATE MANNER, THE ILC AT THE SAME TIME GOES ON RECORD TO EFFECT THAT THE GENTLEMAN'S AGREEMENT CONSTITUTES AN AGREED INTERPRETATION OF THE ILC STATUTE WHICH IS TO BE OBSERVED BY ALL CONCERNED.

4. MISOFF IS RIGHT TO POINT OUT TO DUTCH THAT A MEETING OF WEO GROUP TO "REACH A FORMAL DECISION" ON THE MATTER WOULD BE INAPPROPRIATE. INFORMAL CONTACTS AMONG WEO'S ARE PREFERABLE, PROVIDED THAT THEY EMBRACE ALL THE SCANDINAVIAN STATES AS WELL AS THOSE WHOSE NATIONALS CONTINUE TO SERVE ON THE COMMISSION.

5. RE PARA. 7 REFTEL, DEPT SUGGESTS THAT ANY INITIATIVE BY USDEL BE FIRST DIRECTED TOWARDS SCANDINAVIANS TO INQUIRE (A) WHETHER THEY CONTEMPLATE PUTTING FORTH A CANDIDATE TO SUCCEED HAMBRO AND (B) WHETHER THEY ARE CONSIDERING SUY'S REASONING. SCANDINAVIANS SHOULD NOT, IN OUR VIEW, BE PRESSED, AND CERTAINLY NOT BY US, NOT TO PUT FORTH A CANDIDATE SHOULD THEY WISH TO DO SO, NOR SHOULD WE DO ANYTHING TO INHIBIT THEIR ENDEAVORING TO EXTRACT A COMMITMENT OF SUPPORT FROM THE WEO'S FOR A SCANDINAVIAN FIVE YEARS HENCE IN RETURN FOR NOT DOING SO. AFTER INDICATION OF THE SCANDINAVIAN DISPOSITION IS RECEIVED, THE PROBLEM CAN BE BETTER ASSESSED AND, IT IS HOPED, HANDLED TO PRODUCE RESULT SET OUT PARA. 6 OF REFTEL.
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